REMARKS/ARGUMENTS

Claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Nachef, U.S. 2002/0137545 A1, hereinafter "Nachef," in view of Nachef et al., US 2005/0207562 A1, hereinafter "Nachef II." Reconsideration of the rejection is respectfully requested.

Independent claim 1 provides, in pertinent part, for, "[a] mobile telephone device, comprising:

an integrated circuit card with a subscriber identity module or a universal subscriber identity module, said card comprising a storage operable for storing at least one application; ...

at least one data array manager module for managing data arrays of at least one application stored in the card, said at least one data array manager module comprising:

a receiver operable to receive, by means of a remote access message received by mobile telephony, at least one instruction for operating on at least one piece of data contained in an array of a specified application; ...

an accessing device operable for accessing said array according to said at least one instruction, said accessing device further comprising ...

apparatus operable for performing at least one operation on said at least one piece of data in said array, according to said at least one instruction, without the necessity of deleting and rewriting the entire specified application stored in the card," (emphasis supplied).

Independent claim 9, provides, in pertinent part, for, "[a] method for managing data in arrays of applications stored in an integrated circuit card of a mobile telephony subscriber equipment, said card storing a subscriber identity module or a universal subscriber identity module, the method comprising the steps of:

receiving a message from a remote access server by mobile telephony, the message including at least one instruction regarding at least one piece of data in one array of one application stored in the card; ...

operating on said at least one piece of data in said array based on the at least one instruction, without the necessity of deleting and rewriting the entire application stored in the card," (emphasis supplied).

In support of the rejection of independent claims 1 and 9, the Examiner states that, "Nachef discloses a method/mobile telephone device ... comprising: ... a receiver operable to

receive, by means of a remote access message received by mobile telephony, at least one instruction for operating on at least one piece of data contained in an array of a specified application (= master application 30M sends proactive command included in short message to be executed by circuit 10 via slave Sim Toolkit application 22, see [0082, 0100-01 and 0124]); ...," (Office Action, page 3, second paragraph, lines 1-2, sixth paragraph, lines 1-3; and page 4, lines 1-2). Applicant respectfully disagrees with the equivalence asserted by the Examiner of the portion of Nachef and the provision of independent claims 1 and 9 in the above-quoted portion of the Office Action.

In particular, both independent claims 1 and 9 provide for the reception of at least one instruction for <u>operating on</u> at least one piece of data <u>in an array of an application stored in an integrated circuit card</u> in a mobile telephone device. However, the Examiner asserts that in the equivalent portion of Nachef, there is a proactive command included in a short message to be executed by the circuit 10 via slave Sim Toolkit application 22, citing paragraphs [0082], [0100-01], and [0124] of Nachef. Circuit 10, referred to by the Examiner, is, however, disclosed by paragraph [0082] of Nachef to be "the circuits 10 <u>of a unit of mobile equipment 1 in which the proactive command is executed</u>," (lines 6-7; emphasis supplied). Furthermore, paragraph [0124], cited by the Examiner, indicates that, "<u>[t]he slave SIM Toolkit application can then accept the proactive command received</u>, which command was prepared and sent by the master application. <u>It then sends it to the mobile equipment without performing any additional operation</u>," (lines 6-10; emphasis supplied). Thus, it appears both from the Examiner's analysis and from Nachef itself, that circuits 10 of a <u>unit of mobile equipment</u> 1 execute the proactive command, which is sent to it by slave SIM Toolkit application, the slave SIM Toolkit application not performing any additional operation. There does <u>not</u> appear to be in Nachef at least one piece of data <u>contained in an array of a specified application stored on an integrated circuit card</u> that is <u>operated upon</u> by at least one instruction received, as required by independent claims 1 and 9. Instead, the operation alleged to be present in Nachef is that of a proactive command which is <u>executed by a circuit 10 of a unit of mobile equipment</u>. There appears to be no teaching, disclosure, or suggestion in Nachef that circuit 10 executes the proactive command <u>by operating on a piece of data contained in an array of an application stored on SIM smart card</u> shown in Fig. 2 of Nachef,

the SIM smart card being asserted to be equivalent to the integrated circuit card of claims 1 and 9, (Office Action, page 3, third paragraph, lines 1-2).

The Examiner, in support of the rejection of independent claims 1 and 9, states that, "[a]lthough Nachef teaches modification of application of SIM Toolkit (see [0171-72]); Nachef fails to mention 'an accessing device operable for accessing said array, said accessing device further comprising a receiver operable for receiving from the specified application a requested reference for said array; the accessing device being operable for accessing said array based on said reference; and apparatus operable for performing at least one operation on said at least one piece of data in sad array, according to said at least one instruction, without the necessity of deleting and rewriting the entire specified application stored in the card,'" (Office Action, page 4, lines 5-12).

The Examiner attempts to remedy the admitted deficiency of Nachef by stating that, "[h]owever, Nachef II teaches that application management between cards 2 and 3 and card 2 can perform administration operations such as **addition 201, modification 203** and accessing and **installing commands** applets on card 3; followed by an interactive display on the screen; and proactive command (see [0006, 0041-44; 0072-75 0080-0114 and Fig. 1, item 3]); whereby the modification and installing reads on 'without the necessity of deleting and rewriting **the entire** specified application stored in the card,'" (Office Action, page 4, lines 13-19; emphasis in the original).

However, it is respectfully submitted that the Examiner's attempt to remedy the deficiency of Nachef by the Examiner's assertion regarding the teaching of Nachef II does not, in fact, remedy that deficiency. In particular, the Examiner admits that Nachef fails to mention "apparatus operable for performing at least one operation on said at least one piece of data in said array, according to said at least one instruction, without the necessity of deleting and rewriting the entire specified application stored in the card," (Office Action, page 4, lines 9-12). Both independent claims 1 and 9 require that the at least one instruction, according to which the at least one operation is performed on the at least one piece of data in the array, be received by mobile telephony. In contrast, Nachef II discloses application management between smartcards 2 and 3, smartcard 2 performing administration operations on smartcard 3, smartcard 2 being inserted in an auxiliary smartcard reader 13 and smartcard 3 being inserted in main smartcard

reader 12 of a mobile telephone 1, (see paragraphs [0060] to [0061], [0064] to [0066], [0079]; Fig. 1). Thus, there appears to be <u>no</u> transmission of instructions by mobile telephony in Nachef II, as required by independent claims 1 and 9.

Indeed, Nachef II appears to teach <u>away</u> from the receipt <u>by mobile telephony</u>, in Nachef II, of instructions for operating on data in an array of an integrated circuit card since it states in paragraph [0107] that, "<u>[n]o other equipment is required</u>, as with certain methods of the known art, since the auxiliary reader of the mobile telephone is used as receiver of the administrator card. <u>Neither does it rely on downloads from remote servers, with the disadvantages inherent to this type of method, which were pointed out in the preamble of this description</u>," (emphasis supplied). Those disadvantages appear to have been detailed in paragraph [0019] of Nachef II. Furthermore, Nachef II emphasizes the avoidance of <u>telephonic transmissions</u> of instructions since it further states that, "[s]imilarly, the method according to the invention <u>does not interfere in any way</u> with the technology used <u>for the transmissions</u>: GSM, GPRS or UTMS, for example, since <u>the operations are all carried out locally through the implementation of two readers</u>: the main reader containing the SIM module or card and the auxiliary reader intended to receive a traditional smart card, for example a bank card," (paragraph [0113]; emphasis supplied).

The Examiner concludes his analysis in support of the rejection of independent claims 1 and 9 by stating that, "[i]t would therefore have been obvious to one of the ordinary skill in the art to combine the teaching of Nachef II into the system of Nachef for the benefit of achieving a system whereby SIM card that can be modified based on instructions received from an administrator which is supplied with SIM Toolkit standard (see Abstract)," (Office Action, page 4, line 20, to page 5, line 2).

Applicant respectfully disagrees that it would have been obvious to combine the teaching of Nachef II into the system of Nachef. It is respectfully submitted that the above analysis shows that Nachef II, in fact, does <u>not</u> supply the deficiency of Nachef insofar as the claims require at least one operation be performed on at least one piece of data in an array on an integrated circuit card <u>based upon at least one instruction received by mobile telephony</u>. Nachef II does <u>not</u> appear to teach, disclose, or suggest the use of such at least one instruction received <u>by mobile telephony</u>, but rather teaches instructions received <u>from an administrator card inserted in an auxiliary reader</u> where the card whose data is being affected is inserted into a main reader <u>on the</u>

same mobile telephone. Nachef II teaches away from the use of downloads from remote servers or telephonic transmissions for such instructions.

Furthermore, the portions of Nachef, namely, paragraphs [0171] to [0172], cited by the Examiner in support of his assertion that Nachef teaches modification of applications of SIM Toolkit, (Office Action, page 4, line 5), ignores the fact that the cited portions of Nachef teach installation of such applications on remote servers, not on the SIM smart card, asserted by the Examiner to be equivalent to the integrated circuit card of independent claims 1 and 9, (Office Action, page 3, third paragraph, lines 1-2). Thus, Nachef teaches away from the storage of applications on the integrated circuit card, as required by independent claims 1 and 9. It is respectfully submitted that, contrary to the contention of the Examiner, there is no "benefit of achieving a system whereby SIM card that can be modified based on instructions received from an administrator which is supplied with SIM Toolkit standard," (Office Action, page 4, line 21, to page 5, line 2; emphasis supplied), when Nachef itself teaches away from locating the applications to be modified on the SIM card.

In response to the requirement in the Interview Summary mailed on February 9, 2009 in the above-captioned application that the formal written reply to the last Office Action must include the substance of the interview, the substance of the interview follows.

Applicant's representative conducted a telephonic interview with the Examiner on January 27, 2009.

Applicant's representative argued that the attempted equating by the Examiner of the master application 30M sending a proactive command included in short message to be executed by circuit 10 via slave Sim Toolkit application 22, in Nachef, US 2002/0137545 A1, to the reception by means of a remote access message received by mobile telephony of at least one instruction for operating on at least one piece of data contained in an array of a specified application, in independent claims 1 and 9, was incorrect. This was because Nachef discloses that the circuit 10 of a unit of mobile equipment 1 executes the proactive command, which is sent to it by slave SIM Toolkit application, the slave SIM Toolkit application not performing any additional operation. Applicant's representative further argued that there appears to be no teaching, disclosure, or suggestion in Nachef that circuit 10 executes the proactive command by

operating on a piece of data contained in an array of an application stored on SIM smart card shown in Fig. 2 of Nachef.

Applicant's representative further indicated that the Examiner admitted that Nachef fails to mention apparatus operable for performing at least one operation on at least one piece of data in an array according to at least one instruction without the necessity of deleting and rewriting the entire specified application stored in the card. However, independent claims 1 and 9 require that the at least one instruction according to which the at least one operation is performed on at least one piece of data in the array be received by mobile telephony. In contrast, Nachef II, US 2005/0207562 A1, which the Examiner uses to attempt to remedy the admitted deficiency of Nachef, does not disclose transmission of instructions by mobile telephony, as required by independent claims 1 and 9. On the contrary, Nachef II discloses application management between a card inserted in an auxiliary reader and a card inserted in a main card reader of one mobile telephone. In fact, Nachef II appears to teach away from the receipt by mobile telephony of instructions for operating on data in an array of an integrated circuit card since it indicated that no other equipment is required other than the auxiliary reader of the mobile telephone being used as receiver of the administrator card, and that it does not rely on downloads from remote servers, and does not interfere in any way with the technology used for telephonic transmissions.

Applicant's representative further argued against the obviousness of combining Nachef II into the system of Nachef based upon the fact that Nachef II does not appear to teach, disclose, or suggest the use of at least one instruction received by mobile telephony to perform at least one operation on at least one piece of data in an array of an integrated circuit card.

With regard to the Examiner's assertion in the Office Action that Nachef teaches modification of applications of SIM Toolkit in paragraphs [0171] to [0172] of Nachef, Applicant's representative argued that the Examiner's assertion ignores the fact that those portions of Nachef teach installation of such applications on remote servers, not on the SIM smart card, which the Examiner asserts to be the equivalent of the integrated circuit card of independent claims 1 and 9. Nachef, thus, teaches away from a storage of applications in the integrated circuit card, as required by independent claims 1 and 9.

In response to these arguments, the Examiner requested a second telephonic interview to propose further action on this application after consideration of its status. Applicant's representative agreed to such a telephonic interview to be conducted on February 3, 2009.

In the telephonic interview conducted with the Examiner on February 3, 2009, the Examiner asserted that paragraph [0082] of Nachef discloses that the master application 30M prepares a proactive command to be executed by the circuits 10 of a unit of mobile equipment 1 included in the data of a short message sent to Slave SIM Toolkit application 22. The Examiner contended that, although there appears to be no operation on data stored on SIM smart card 2, such operations were disclosed by Nachef II and could, therefore, be combined with Nachef to render obvious independent claim 1. However, Applicant's representative responded that such a combination would be contradicted by the teaching of Nachef stating in paragraph [0124], that, "[i]n order for the mechanism of the slave and master applications to retain all of its advantages according to one of the characteristics of the invention, a function is advantageously implemented in the SIM smart card <u>which does nothing more than send the mobile equipment a proactive command from any byte array.</u> The Slave SIM Toolkit application can then accept the proactive command received, which command was prepared and sent by the master application. <u>It then sends it to the mobile equipment without performing any additional operation,</u>" (emphasis supplied).

Thus, the Examiner's attempted combination of Nachef II with Nachef, in the telephonic interview conducted on February 3, 2009, to provide the required operation on data stored on a SIM smart card or, in the terms of independent claim 1, an integrated circuit card, is <u>not</u> obvious since Nachef teaches <u>away</u> from such an operation with regard to data on the SIM smart card, as indicated by paragraph [0124] thereof quoted above.

Since each of claims 2-8 and 10-15 is directly or indirectly dependent upon one of independent claims 1 and 9, each of claims 2-8 and 10-15 is allowable for at least the same reasons recited above with respect to the allowability of independent claims 1 and 9.

In view of the foregoing remarks, allowance of claims 1-15 is respectfully requested.

Respectfully submitted,

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